

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GABRIEL YATES,

Plaintiff,

vs.

NAPHCARE, INC., *et al.*,

Defendants.

2:12-cv-01865-JCM-VCF

ORDER

Presently before the court is *pro se* plaintiff Gabriel Yates' motion for clarification. (Doc. # 45). Defendant Naphcare, Inc. has filed a response (doc. # 46) to which defendant Gillespie has joined (doc. # 47). Plaintiff has not filed a reply and the deadline in which to do so has expired.

Plaintiff, a pre-trial detainee, filed motions for a temporary restraining order and preliminary injunction requesting that the court direct the defendants to perform a dental procedure on his braces. (Docs. # 30, 32, 39). The court denied those motions, concluding that the relief sought was not justified based on plaintiff's failure to satisfy the factors articulated in *Winter v. N.R.D.C.*, 129 S. Ct. 365, 374-76 (2008). (Docs. # 35, 42).

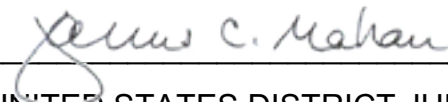
The latest order which plaintiff now challenges (doc. # 42) was exceedingly clear. That order meant exactly what it said—plaintiff has not satisfied the requirements of an affirmative injunction because, for example, he has not demonstrated that the loose wire on his braces creates “irreparable harm.” Indeed, the instant motion does not seek actual clarification, but rather posits numerous rhetorical questions to the court, most of which are outside the scope of the subject matter of the

1 challenged order.¹ The instant motion is denied.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for
4 clarification (doc. # 45) be, and the same hereby is, DENIED.

5 DATED July 16, 2014.

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9 UNITED STATES DISTRICT JUDGE
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27 ¹ For example, plaintiff asks the court to clarify why sanctions should not be imposed against Naphcare, clarify
28 why the court's decision does not violate his due process rights, clarify how many meals he must go without, and to
answer variety of similar off-topic "questions."